

**FILED**

SEP 26 2019

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY KRV  
DEPUTY CLERKIN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

§  
§  
§  
§  
§

v.

Dkt. No. SA-13-CR-973(1)FB

ROMAN GABRIEL LUNA

TRANSFER OF JURISDICTION

On this day came on to be considered the above-styled and numbered cause. Defendant Roman Gabriel Luna was released from federal custody on January 23, 2018, and began his three year term of supervised release. He was arrested on new federal charges in Travis County, Texas, on September 4, 2019, and the probation office in Austin, Texas, has requested transfer of jurisdiction so that revocation proceedings can be handled simultaneously to the defendant's sentencing on the new charges. The Court finds that jurisdiction of such proceedings should be transferred from the San Antonio Division to the Austin Division.

It is therefore ORDERED that the above-styled and numbered cause be, and it is hereby, TRANSFERRED to the Austin Division of the Western District of Texas.

It is further ORDERED that the U.S. Clerk's Office in San Antonio, Texas, transfer the file to the U.S. Clerk's Office in Austin, Texas.

SIGNED this 26<sup>th</sup> day of September 2019.

  
UNITED STATES DISTRICT JUDGE

CLOSED,FUGITIVE

**U.S. District Court [LIVE]  
Western District of Texas (San Antonio)  
CRIMINAL DOCKET FOR CASE #: 5:13-cr-00973-FB-1**

Case title: USA v. Luna

Date Filed: 12/04/2013

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Assigned to: Judge Fred Biery

**Defendant (1)**

**Roman Gabriel Luna**

represented by **Alfredo R. Villarreal**  
Federal Public Defender  
727 E. Cesar E. Chavez Blvd.  
Room B-207  
San Antonio, TX 78206-1205  
(210) 472-6700  
Fax: (210) 472-4454  
Email: [alfredo\\_villarreal@fd.org](mailto:alfredo_villarreal@fd.org)  
*TERMINATED: 06/27/2014*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or Community*  
*Defender Appointment*

**Duty Pub. Defender-San Antonio**  
Federal Public Defender  
San Antonio Division  
727 E. Cesar E. Chavez Blvd.  
Suite B207  
San Antonio, TX 78206  
(210) 472-6700  
Fax: 210/472-4454  
Email: [janie\\_craig@fd.org](mailto:janie_craig@fd.org)  
*TERMINATED: 07/13/2016*  
*ATTORNEY TO BE NOTICED*  
*Designation: Public Defender or Community*  
*Defender Appointment*

**Pending Counts**

18:922G.F – UNLAWFUL  
TRANSPORT OF FIREARMS,  
ETC. Possession of a firearm or  
ammunition by a convicted felon  
(1)

**Disposition**

Deflt. sentenced to (57) Months; (3) Three Years of  
Supervised Release; No Fine; \$100.00 Special  
Assessment

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

21:841A=CD.F – CONTROLLED  
SUBSTANCE – SELL,  
DISTRIBUTE, OR DISPENSE  
Possess with intent to distribute a  
controlled substance,  
methamphetamine  
(2)

**Disposition**

Dismissed on Govt's Mtn.

**Highest Offense Level  
(Terminated)**

Felony

**Complaints**

None

**Disposition****Plaintiff**

USA

represented by **Mary Nelda Valadez**  
U.S. Attorney's Office – Asset Forfeiture  
Section  
Assistant U.S. Attorney  
601 N.W. Loop 410, Suite 600  
San Antonio, TX 78216–5597  
(210) 384–7040  
Fax: 210/384–7045  
Email: [mary.nelda.valadez@usdoj.gov](mailto:mary.nelda.valadez@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Sarah Wannarka**  
U. S. Department of Justice – Asst. U.S.  
Attorney  
601 N.W. Loop 410 – Suite 600  
San Antonio, TX 78216  
210–384–7192  
Fax: 210–384–7118  
Email: [sarah.wannarka@usdoj.gov](mailto:sarah.wannarka@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Page	Docket Text
12/04/2013	<u>1</u>		MOTION to Seal Indictment by USA as to Roman Gabriel Luna. (rg) (Entered: 12/05/2013)
12/04/2013	<u>2</u>		ORDER GRANTING <u>1</u> Motion to Seal Indictment as to Roman Gabriel Luna (1). Signed by Judge Henry J. Bemporad. (rg) (Entered: 12/05/2013)

12/04/2013	<u>3</u>	15	SEALED INDICTMENT (Redacted Version) with Notice of Forfeiture included as to Roman Gabriel Luna. Unredacted document sealed pursuant to E-Government Act of 2002 as to Roman Gabriel Luna (1) count(s) 1, 2. (rg) (Entered: 12/05/2013)
12/04/2013	<u>4</u>		Personal Data Sheet (Redacted) by USA as to Roman Gabriel Luna. (rg) (Entered: 12/05/2013)
12/04/2013	<u>5</u>		ORDER FOR ISSUANCE OF Bench Warrant as to Roman Gabriel Luna. Signed by Judge Henry J. Bemporad. (rg) (Entered: 12/05/2013)
12/04/2013	<u>6</u>		Bench Warrant Issued by Judge Henry J. Bemporad as to Roman Gabriel Luna. (rg) (Entered: 12/05/2013)
12/04/2013	<u>40</u>		Personal Data Sheet (SEALED) as to Roman Gabriel Luna. (rg) (Entered: 05/25/2018)
12/05/2013			Arrest of Roman Gabriel Luna. (rg) (Entered: 12/05/2013)
12/05/2013			INDICTMENT UNSEALED as to Roman Gabriel Luna. (rg) (Entered: 12/05/2013)
12/05/2013	<u>7</u>		Minute Entry for proceedings held before Judge Henry J. Bemporad:Initial Appearance as to Roman Gabriel Luna held on 12/5/2013. (Minute entry documents are not available electronically.) (Court Reporter ftr gold.) (rg) (Entered: 12/06/2013)
12/05/2013	<u>8</u>		ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Roman Gabriel Luna Duty Pub. Defender-San Antonio for Roman Gabriel Luna appointed. Signed by Judge Henry J. Bemporad. (rg) (Entered: 12/06/2013)
12/05/2013	<u>9</u>		CJA 23 Financial Affidavit by Roman Gabriel Luna. (SEALED pursuant to E-Government Act of 2002). (rg) (Entered: 12/06/2013)
12/05/2013	<u>10</u>		MOTION to Detain Defendant without Bond by USA as to Roman Gabriel Luna. (rg) (Entered: 12/06/2013)
12/05/2013	<u>11</u>		ORDER OF TEMPORARY DETENTION: Bond set to NO BOND as to Roman Gabriel Luna. District Court Arraignment and Detention Hearing are set for 12/19/2013 10:30 AM before Judge Henry J. Bemporad. Signed by Judge Henry J. Bemporad. (rg) (Entered: 12/06/2013)
12/06/2013	<u>12</u>		NOTICE OF ATTORNEY APPEARANCE: Alfredo R. Villarreal appearing for Roman Gabriel Luna (Villarreal, Alfredo) (Entered: 12/06/2013)
12/06/2013			Attorney Duty Pub. Defender-San Antonio terminated as to Roman Gabriel Luna. (rg) (Entered: 12/06/2013)
12/18/2013	<u>13</u>		Arrest Warrant Returned Executed on 12/5/13 as to Roman Gabriel Luna. (aej) (Entered: 12/18/2013)
12/19/2013	<u>14</u>		WAIVER of Personal Appearance at Arraignment and Entry of Plea of Not Guilty by Roman Gabriel Luna. (rg) (Entered: 12/19/2013)
12/19/2013	<u>15</u>		WAIVER of Detention Hearing by Roman Gabriel Luna. (rg) (Entered: 12/19/2013)
12/19/2013	<u>16</u>		

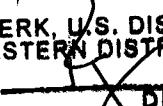
		Order Accepting Waiver of Personal Appearance at Arraignment and Entry of Plea of Not Guilty by Roman Gabriel Luna. Signed by Judge Henry J. Bemporad. (rg) (Entered: 12/19/2013)
12/19/2013	<u>17</u>	ORDER GRANTING <u>10</u> Motion to Detain Defendant without Bond. Bond set to Detain without bond pending trial as to Roman Gabriel Luna (1). Signed by Judge Henry J. Bemporad. (rg) (Entered: 12/19/2013)
01/07/2014	<u>18</u>	General Order Concerning Authentication of Exhibits as to Roman Gabriel Luna. Signed by Chief Judge Fred Biery. (rg) (Entered: 01/07/2014)
01/07/2014	<u>19</u>	General Order Concerning Discovery & Pre-Trial Motions as to Roman Gabriel Luna. Signed by Chief Judge Fred Biery. (rg) (Entered: 01/07/2014)
01/07/2014	<u>20</u>	SCHEDULING ORDER as to Roman Gabriel Luna – Plea Agreement due by 2/18/2014, Docket Call and Rearraignment set for 2/20/2014 8:30 AM before Chief Judge Fred Biery, Jury Selection and Trial set for 2/24/2014 8:30 AM before Chief Judge Fred Biery. Signed by Chief Judge Fred Biery. (rg) (Entered: 01/07/2014)
02/19/2014	<u>21</u>	MOTION to Dismiss Notice of Forfeiture by USA as to Roman Gabriel Luna. (Valadez, Mary) (Entered: 02/19/2014)
02/20/2014	<u>22</u>	ORDER as to Roman Gabriel Luna, ( Plea Agreement due by 3/17/2014,, Docket Call reset for 3/20/2014 8:30 AM before Chief Judge Fred Biery,, Jury Selection reset for 3/24/2014 8:30AM before Chief Judge Fred Biery,, Jury Trial reset for 3/24/2014 8:30 AM before Chief Judge Fred Biery,). Signed by Chief Judge Fred Biery. (rf) (Entered: 02/23/2014)
02/20/2014		"ORAL" MOTION to Continue by Roman Gabriel Luna. (rg) (Entered: 02/25/2014)
02/20/2014	<u>24</u>	Minute Entry for proceedings held before Chief Judge Fred Biery:Motion Hearing as to Roman Gabriel Luna held on 2/20/2014 re "ORAL" MOTION to Continue filed by Roman Gabriel Luna. (Minute entry documents are not available electronically.) (Court Reporter Chris Poage.) (rg) (Entered: 02/25/2014)
02/20/2014		"ORAL" ORDER GRANTING [] "ORAL" Motion to Continue as to Roman Gabriel Luna (1). Signed by Chief Judge Fred Biery. (rg) (Entered: 02/25/2014)
02/24/2014	<u>23</u>	ORDER GRANTING <u>21</u> Motion to dismiss notice of forfeiture as to Roman Gabriel Luna (1). Signed by Chief Judge Fred Biery. (rg) (Entered: 02/25/2014)
03/20/2014	<u>25</u>	ORDER as to Roman Gabriel Luna, (Setting Sentencing for 6/13/2014 8:30 AM before Chief Judge Fred Biery). Signed by Chief Judge Fred Biery. (rg) (Entered: 03/20/2014)
03/20/2014	<u>26</u>	PLEA AGREEMENT as to Roman Gabriel Luna. (Plea agreement documents are not available electronically.) (rg) (Entered: 03/20/2014)
03/20/2014	<u>27</u>	Minute Entry for proceedings held before Chief Judge Fred Biery:Rearraignment held on 3/20/2014 ; Defendant Informed of Rights. Plea of guilty entered as to Roman Gabriel Luna (1) Count 1 ;Referred to Probation for Presentence Report (Minute entry documents are not available electronically.), Guilty Plea Accepted by Court as to Roman Gabriel Luna (1) Count 1. (Court

			Reporter Chris Poage.) (rg) (Entered: 03/20/2014)
05/09/2014	<u>28</u>		INITIAL PRESENTENCE REPORT as to Roman Gabriel Luna by Officer Kenneth E. Vernon, Jr. Objections to the PSR must be submitted directly to the Probation Department. Objections are due in 14 days. Instructions for viewing the report are available <a href="#">here</a> . (Document is available only to the attorney of record and AUSA for 10 days) (Attachments: 1)(Perales, B.) (Entered: 05/09/2014)
06/09/2014	<u>29</u>		Unopposed MOTION to Continue <i>Sentencing</i> by Roman Gabriel Luna. (Villarreal, Alfredo) (Entered: 06/09/2014)
06/10/2014	<u>30</u>		ORDER GRANTING <u>29</u> Motion to Continue as to Roman Gabriel Luna (1). Sentencing reset for 6/20/2014 8:30 AM before Chief Judge Fred Biery. Signed by Chief Judge Fred Biery. (rg) (Entered: 06/10/2014)
06/10/2014	<u>31</u>		ORDER as to Roman Gabriel Luna GRANTING re <u>29</u> Unopposed MOTION to Continue Sentencing filed by Roman Gabriel Luna. Signed by Chief Judge Fred Biery. (rg) (Entered: 06/10/2014)
06/18/2014	<u>32</u>		SEALED PRESENTENCE INVESTIGATION REPORT Filed as to Roman Gabriel Luna by Officer Kenneth E. Vernon, Jr. (Document available to court only) (Attachments: 1 – 2)(Garcia, M.) (Entered: 06/18/2014)
06/18/2014	<u>33</u>		ADDENDUM as to Roman Gabriel Luna by Officer Kenneth E. Vernon, Jr. Instructions for viewing the addendum are available <a href="#">here</a> . (Document is available only to the attorney of record and AUSA for 10 days) (Garcia, M.) (Entered: 06/18/2014)
06/20/2014	<u>34</u>		Minute Entry for proceedings held before Chief Judge Fred Biery: Sentencing held on 6/20/2014 for Roman Gabriel Luna (1), Count(s) 1, Deft. sentenced to (57) Months; (3) Three Years of Supervised Release; No Fine; \$100.00 Special Assessment; Count(s) 2, Dismissed on Govt's Mtn.. (Minute entry documents are not available electronically.) (Court Reporter Chris Poage.) (wg) (Entered: 06/20/2014)
06/27/2014	<u>35</u>	7	JUDGMENT AND COMMITMENT as to Roman Gabriel Luna. Signed by Chief Judge Fred Biery. (rg) (Entered: 06/27/2014)
06/27/2014	<u>36</u>		Sealed Statement of Reasons as to Roman Gabriel Luna. (SOR documents are not available electronically.) (rg) (Entered: 06/27/2014)
04/14/2016	<u>37</u>		Standing Order pursuant to Johnson v. United States appointing Federal Public Defender as to Roman Gabriel Luna.. Signed by Chief Judge Orlando L. Garcia, Judge Fred Biery, Judge Xavier Rodriguez, Judge Robert Pitman, Judge David A. Ezra. (mgr) (Entered: 04/27/2016)
05/15/2017	<u>38</u>		ORDER the Court exempts this case from the Standing Appointment Order filed on April 14, 2016 as to Roman Gabriel Luna re <u>37</u> Standing Order pursuant to Johnson v. U.S.. Signed by Judge Fred Biery. (mgr) (Entered: 05/17/2017)
09/26/2019	<u>43</u>	6	Supervised Release Jurisdiction Transferred to Austin Division as to Roman Gabriel Luna signed by Judge Fred Biery. Transmitted Transfer of Jurisdiction form. (rg) (Entered: 09/27/2019)

**FILED**

UNITED STATES DISTRICT COURT  
Western District of Texas  
SAN ANTONIO DIVISION

JUN 27 2014

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY  DEPUTY CLERK

UNITED STATES OF AMERICA

v.

Case Number SA-13-CR-973(1)FB  
USM Number 29127-380

ROMAN GABRIEL LUNA,  
Aliases: Luna, Roman G; Luna, Roman

Defendant.

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

The defendant, ROMAN GABRIEL LUNA, Aliases: Luna, Roman G; Luna, Roman, was represented by Alfredo R. Villarreal, Assistant Federal Public Defender.

On motion of the United States, the Court has dismissed the remaining counts as to this defendant.

The defendant pled guilty to Count(s) One of the Indictment on March 20, 2014. Accordingly, the defendant is adjudged guilty of such Count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count (s)</u>
18 USC 922(g)(1)	Possession of a Firearm by a Convicted Felon	September 5, 2013	One

As pronounced on June 20, 2014, the defendant is sentenced as provided in pages 2 through 8 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 27 day of June, 2014.

  
FRED BIERY  
CHIEF UNITED STATES DISTRICT JUDGE

Defendant: ROMAN GABRIEL LUNA, Aliases: Luna, Roman G; Luna, Roman  
Case Number: SA-13-CR-973(1)FB

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 57 months with credit for time served while in custody for this federal offense.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant serve this sentence at F. C. I., Pollock, Louisiana, or outside the State of Texas.

That If eligible, the defendant participate in the 500 - Hour Intensive Drug Abuse Education Program.

That the defendant receive the benefits of the drug abuse treatment programs while incarcerated.

That the defendant participate in the Bureau of Prisons' Inmate Education Program, academic and vocational training programs while incarcerated.

That the defendant participate in the Bureau of Prisons' Inmate Job Training Program while incarcerated.

The defendant shall remain in custody pending service of sentence.

**RETURN**

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal



Defendant: ROMAN GABRIEL LUNA, Aliases: Luna, Roman G; Luna, Roman  
Case Number: SA-13-CR-973(1)FB

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall comply with the mandatory, standard and if applicable, the special conditions that have been adopted by this Court.

Defendant: ROMAN GABRIEL LUNA, Aliases: Luna, Roman G; Luna, Roman  
Case Number: SA-13-CR-973(1)FB

### CONDITIONS OF SUPERVISION

#### Mandatory Conditions:

- 1) The defendant shall not commit another federal, state, or local crime during the term of supervision.
- 2) The defendant shall not unlawfully possess a controlled substance.
- 3) The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release on probation or supervised release and at least two periodic drug tests thereafter (as determined by the court) for use of a controlled substance, but the condition stated in this paragraph may be ameliorated or suspended by the court if the defendant's presentence report or other reliable sentencing information indicates low risk of future substance abuse by the defendant.
- 4) In supervised release cases only, the defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.
- 5) If convicted of a felony, the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- 6) The defendant shall cooperate in the collection of DNA as directed by the probation officer, if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 14135a).
- 7) If convicted of a sexual offense and required to register under the Sex Offender and Registration Act, that the defendant comply with the requirements of the Act.
- 8) If convicted of a domestic violence crime as defined in 18 U.S.C. § 3561(b), the defendant shall participate in an approved program for domestic violence.
- 9) If the judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.

#### Standard Conditions:

- 1) The defendant shall not leave the judicial district without permission of the court or probation officer.
- 2) The defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family obligations, and shall comply with the terms of any court order or order of an administrative process requiring payments by the defendant for the support and maintenance of a child or of a child and the parent with whom the child is living.
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time, at home or elsewhere, and shall permit confiscation of any contraband observed in plain view of the probation officer.
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.

Defendant: ROMAN GABRIEL LUNA, Aliases: Luna, Roman G; Luna, Roman  
Case Number: SA-13-CR-973(1)FB

- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications, and to confirm the defendant's compliance with such notification requirement.
- 14) If convicted of a sex offense as described in the Sex Offender Registration and Notification Act or has a prior conviction of a State or local offense that would have been an offense as described in the Sex Offender Registration and Notification Act if a circumstance giving rise to federal jurisdiction had existed, the defendant shall participate in a sex offender treatment program approved by the probation officer. The defendant shall abide by all program rules, requirements and conditions of the sex offender treatment program, including submission to polygraph testing, to determine if the defendant is in compliance with the conditions of release. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- 15) The defendant shall submit to an evaluation for substance abuse or dependency treatment as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 16) The defendant shall submit to an evaluation for mental health counseling as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a mental health program approved by the probation officer. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 17) The defendant shall participate in a cognitive behavioral treatment program as directed by the probation officer, and if deemed necessary by the probation officer. Such program may include group sessions led by a counselor or participation in a program administered by the probation office. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 18) The defendant shall participate in workforce development programs and services as directed by the probation officer, and if deemed necessary by the probation officer, which include occupational/career development, including but not limited to assessment and testing, education, instruction, training classes, career guidance, job search and retention services until successfully discharged from the program. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 19) If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally reenter the United States. If the defendant lawfully reenters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.
- 20) If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.
- 21) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall provide the probation officer access to any requested financial information.
- 22) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer, unless the defendant is in compliance with the payment schedule.

Defendant: ROMAN GABRIEL LUNA, Aliases: Luna, Roman G; Luna, Roman  
Case Number: SA-13-CR-973(1)FB

The Court further adopts such of the following special conditions applied to the supervised person by the judge at the time of sentencing:

- 1) **Community Confinement:** The defendant shall reside in a Community Corrections Center for a period of \_\_\_\_ months to commence on \_\_\_\_\_. Further, once employed, the defendant shall pay 25% of his/her weekly gross income for his/her subsistence as long as that amount does not exceed the daily contract rate.
- Location Monitoring Program:**
- 2) **Radio Frequency Monitoring:** The defendant shall participate in the Location Monitoring Program with Radio Frequency Monitoring for a period of \_\_\_\_ days/months. You shall abide by the rules and regulations of the Participant Agreement Form. During this time, you will remain at your place of residence except for employment and other activities approved in advance by your probation officer. You will maintain a telephone at your place of residence without "caller ID," "call forwarding," "call waiting," "call back/call block," a modem or a portable cordless telephone for the above period as directed by the probation officer. You will wear an electronic monitoring device and follow location monitoring procedures specified by your probation officer. You shall pay all or part of the costs of the program based on the ability to pay as directed by the probation officer.
- 3) **Global Positioning Satellite (GPS):** The defendant shall participate in the Location Monitoring Program for a term not to exceed \_\_\_\_ days/months, which will include remote location monitoring using \_\_\_\_ Active \_\_\_\_ Passive Global Positioning Satellite (GPS) tracking. You shall abide by the rules and regulations of the Participant Agreement Form. During this time, you will remain at your place of residence except for employment and other activities approved in advance by your probation officer. You will maintain a telephone at your place of residence without "caller ID," "call forwarding," "call waiting," "call back/call block," a modem or a portable cordless telephone for the above period as directed by the probation officer. At the direction of the probation officer, you shall wear a transmitter and be required to carry a tracking device. You shall pay all or part of the costs of the program based on the ability to pay as directed by the probation officer.
- 4) **Community Service:** The defendant shall perform \_\_\_\_ hours of community service work without pay, at a location approved by the probation officer, at a minimum rate of four hours per week, to be completed during the first \_\_\_\_ months of supervision.
- 5) **Sex Offender Search & Seizure Condition:** If required to register under the Sex Offender Registration and Notification Act, the defendant shall submit his person, and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects to search at any time, with or without a warrant, by any law enforcement or probation officer with reasonable suspicion concerning a violation of a condition of probation or supervised release or unlawful conduct by the person, and by any probation officer in the lawful discharge of the officer's supervision functions.

Defendant: ROMAN GABRIEL LUNA, Aliases: Luna, Roman G; Luna, Roman  
Case Number: SA-13-CR-973(1)FB

**CRIMINAL MONETARY PENALTIES/ SCHEDULE**

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, 655 E. Cesar E. Chavez Blvd, Room G-65, San Antonio, Texas 78206.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTAL:	\$100.00	\$0	\$0

**Special Assessment**

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00. Payment of this sum shall begin immediately.

**Fine**

The fine is waived because of the defendant's inability to pay.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column above. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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Defendant: ROMAN GABRIEL LUNA, Aliases: Luna, Roman G; Luna, Roman  
Case Number: SA-13-CR-973(1)FB

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**FORFEITURE**

The defendant is ordered to forfeit the following property to the United States:

NONE.

**SEALED**

**FILED**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

2013 DEC -4 PM 12:25

U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA,

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CRIMINAL NO.:

BY

DEPUTY CLERK

Plaintiff,

**INDICTMENT**

VS.

**SA 13CR0973**

**FB**

ROMAN GABRIEL LUNA,

Defendant.

[Ct 1: 18 U.S.C. § 922(g)(1) Possession of a  
Firearm or Ammunition By a Convicted  
Felon; Ct 2: 21 U.S.C. § 841(a)(1)/(b)(1)(B),  
Possession with Intent to Distribute  
Methamphetamine.]

THE GRAND JURY CHARGES:

**COUNT ONE**

**[18 U.S.C. § 922(g)(1)]**

That on or about September 5, 2013, within the Western District of Texas, Defendant,

**ROMAN GABRIEL LUNA,**

who having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess in and affecting interstate commerce, a firearm, to-wit: a Maadi, model RML, 7.62x39 caliber rifle, serial number ES-09285; which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

**COUNT TWO**

**[21 U.S.C. § 841(a)(1) & (b)(1)(B)]**

That on or about September 5, 2013, within the Western District of Texas, Defendant,

**ROMAN GABRIEL LUNA,**

did unlawfully, knowingly, and intentionally possess with intent to distribute a controlled substance, which offense involved 5 grams or more of methamphetamine (actual), a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) &

841(b)(1)(B).

**NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE**

**I.**

**Firearm Violations and Forfeiture Statutes**

[Title 18 U.S.C. §§ 922(g)(1), and subject to forfeiture pursuant to Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461. *See* Fed. R. Crim. P. 32.2]

As a result of the foregoing criminal violation set forth in Count One, which is punishable by imprisonment for more than one year, Defendant **ROMAN GABRIEL LUNA** shall forfeit the below described properties to the United States pursuant to Fed. R. Crim. P. 32.2 and Title 18 U.S.C. § 924(d)(1), made applicable to criminal forfeiture by Title 28 U.S.C. § 2461, which states the following:

**Title 18 U.S.C. § 924**

**(d)(1):** Any firearm or ammunition involved in or used in any knowing violation of subsection . . . (g) . . . of section 922 . . . shall be subject to seizure and forfeiture under the provisions of this chapter. . . .

**II.**

**Personal Properties**

1. Maadi, model RML, 7.62x39 caliber rifle, serial number ES-092852
2. Assorted ammunition

A TRUE

FOR PERSON OF THE GRAND JURY

ROBERT PITMAN  
UNITED STATES ATTORNEY

BY:



SARAH WANNARKA  
Assistant United States Attorney